

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-CR-00144-RJC-DSC

USA)
)
 v.) ORDER
)
 LARRY BRANDON MOORE)
)

THIS MATTER is before the Court on the defendant's Motion to Dismiss Indictment, (Doc. No. 12), and the government's response, (Doc. No. 13).

The indictment charges the defendant with violating 18 U.S.C. § 876 based on letters he allegedly sent threatening local prosecutors. (Doc. No. 1). The defendant contends the indictment fails to charge him with violating any valid law of the United States because the Crimes and Criminal Procedures Act, 62 Stat. 683 (1948), which created Title 18 of the United States Code, exceeded congressional authority and violated the Supreme Court's mandate in Stephan v. United States, 319 U.S. 423 (1943). (Doc. No. 12: Motion at 1; Doc. No. 13: Mem. at 3-4). This argument is frivolous because the Supreme Court has recognized that Title 18 was enacted into positive law, U.S. Civil Service Comm'n v. National Ass'n of Letter Carriers, AFL-CIO, 413 U.S. 548, 550 n.1 (1973), and the defendant has submitted no authority showing that 18 U.S.C. § 876 is unenforceable.

IT IS, THEREFORE ORDERED that the defendant's Motion to Dismiss, (Doc. No. 12), is **DENIED**.

Signed: September 14, 2017


Robert J. Conrad, Jr.
United States District Judge

